

AUG 09 2012

PTO/SB/66 (03-09)

Approved for use through 03/31/2012, OMB 0551-0016

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

**PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF
MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378 (c))**

Docket Number (Optional)

Mail to: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Fax: (571) 273-8300

08/14/2012 DALLEN 00000006 010051

5819082

01 FC:1599 6370.00 DA

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

Patent No. 5,819,082Application Number 08/480,618Issue Date October 6, 1998Filing Date June 7, 1995

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.368(c) and (d).

Also complete the following information, if applicable

The above - identified patent

☐

Is a reissue of original Patent No. _____ original issue date _____

original application number _____

original filing date _____

☐

resulted from the entry into the U.S. under 35 U.S.C. 371 of international application _____

filed on _____

2012 AUG 10 PM 3:16

USPTO
RECEIVED
AUG 10 2012**CERTIFICATE OF MAILING (37 CFR 1.89(a))**

I hereby certify that this paper (*along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Date

Signature

Typed or Printed Name of Person Signing Certificate

[page 1 of 3]

This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

AUG 09 2012

PTO/SB/66 (03-09)

Approved for use through 03/31/2012. OMB 0551-0016

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

1. SMALL ENTITY

☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

NOT Small Entity			Small Entity		
Amount	Fee	(Code)	Amount	Fee	(Code)
<input type="checkbox"/> \$ _____	3 ½ yr fee	(1551)	<input type="checkbox"/> \$ _____	3 ½ yr fee	(2551)
<input type="checkbox"/> \$ _____	7 ½ yr fee	(1552)	<input type="checkbox"/> \$ _____	7 ½ yr fee	(2552)
<input checked="" type="checkbox"/> \$ 4,730.00	11 ½ yr fee	(1553)	<input type="checkbox"/> \$ _____	11 ½ yr fee	(2553)

MAINTENANCE FEE BEING SUBMITTED \$ 4,730.00

4. SURCHARGE

The surcharge required by 37 CFR 1.20(l)(2) of \$ 1,640.00 (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of a maintenance fee.

SURCHARGE FEE BEING SUBMITTED \$ 1,640.00

5. MANNER OF PAYMENT

☐ Enclosed is a check for the sum of \$ _____☒ Please charge Deposit Account No. 01-0051 the sum of \$ 6,370.00☐ Payment by credit card. Form PTO-2038 is attached.

6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

☒ The Director is hereby authorized to charge any maintenance fee, surcharge or petition deficiency to Deposit Account No. 01-0051

[Page 2 of 3]

AUG 09 2012

PTO/SG/66 (03-09)

Approved for use through 03/31/2012. OMB 0851-0016

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

7. OVERPAYMENT

As to any overpayment made please

OR



Credit to Deposit Account No.

01-0051



Send refund check

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

8. STATEMENT

The delay in payment of the maintenance fee to this patent was unintentional.

9. PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

/Bradford C. Blaise/

Signature(s) of Petitioner(s)

Bradford C. Blaise

Typed or printed name(s)

703-770-7741

Telephone Number

August 9, 2012

Date

47,429

Registration Number, if applicable

c/o Activision Publishing, Inc., 3100 Ocean Park Boulevard

Address

Santa Monica, CA 90406

Address

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

ENCLOSURES



Maintenance Fee Payment



Surcharge under 37 CFR 1.201(2) (fee for filing the maintenance fee petition)



[Page 3 of 3]

RECEIVED
CENTRAL FAX CENTER
AUG 09 2012

REQUEST FOR RECONSIDERATION OF PETITION
U.S. Patent No. 5,819,082
Application No. 08/480,618

Dated: August 9, 2012**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

IN RE PATENT NO.: U.S. 5,819,082
ISSUE DATE: October 6, 1998
INVENTOR: Mark Marion
SERIAL NO.: 08/480,618
FILING DATE: June 7, 1995
CONFIRMATION NO.: 9436
FOR: DATA STORAGE
OPTIMIZATION USING AN
ACCESS ORDER LIST

**REQUEST FOR RECONSIDERATION OF
JULY 3, 2012 PETITION TO ACCEPT UNINTENTIONALLY
DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT**

MAIL STOP PETITIONS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA. 22313-1450

Dear Sir:

In response to the Letter mailed July 23, 2012 by the Office of Petitions (hereinafter "Letter") dismissing the July 3, 2012 Petition Under 37 C.F.R. § 1.378(c) to accept the unintentionally delayed payment of a maintenance fee for the above-identified patent (hereinafter "07-03-12 Petition"), the undersigned respectfully submits this Request for Reconsideration together with a new FORM PTO/SB/66 [Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 C.F.R. 1.378(c))] filed herewith.

The Letter indicates that the 07-03-12 Petition was dismissed for the following reason:

A review of the record reveals that a proper authorization to charge the deposit account listed in petition has not been provided. Specifically, the practitioner who signed the petition form, Bradford C. Blaise, is not listed as an authorized user of Deposit Account No. 01-0051.

2012 AUG 10 PM 3:16

USPTO
PATENT & TRADEMARK
DIVISION

AUG 09 2012

REQUEST FOR RECONSIDERATION OF PETITION
U.S. Patent No. 5,819,082
Application No. 08/480,618

Dated: August 9, 2012

[Letter, pg. 2].

The undersigned, Bradford C. Blaise, apologizes for the inadvertent oversight, and has since been added as an authorized user of Deposit Account No. 01-0051.

Accordingly, the new FORM PTO/SB/66 filed herewith complies with 37 C.F.R. 1.378(c) in that it includes:

- (1) The required maintenance fee set forth in § 1.20 (e) through (g);
- (2) The surcharge set forth in § 1.20(i)(2); and
- (3) A statement that the delay in payment of the maintenance fee was unintentional.

In view of the foregoing remarks, favorable consideration of this Request for Reconsideration is earnestly sought, together with the granting of the accompanying petition under 37 C.F.R. 1.378(c).

Respectfully submitted,

Date: August 9, 2012

By: /Bradford C. Blaise/
Bradford C. Blaise
Registration No. 47,429

c/o Activision Publishing, Inc.
3100 Ocean Park Boulevard
Santa Monica, CA. 90405

2012 AUG 10 PM 3:16

USPTO
DEPOSIT ACCOUNT
DIVISION